

1.1 INTRODUCTION AND BACKGROUND

This Draft Land Management Plan/Draft Environmental Impact Statement (DLMP/DEIS) discloses alternatives and environmental consequences for three related, but separate, decisions:

- adopting a revised Land Management Plan for the BLM lands managed by the San Juan Public Lands Center, excluding those contained in the Canyons of the Ancients National Monument (the Responsible Official for this decision is the State Director);
- adopting a revised Land Management Plan for the San Juan National Forest (the Responsible Official for this decision is the Regional Forester); and
- determining the National Forest System lands that will be administratively available for oil and gas leasing, as well as the associated stipulations (the Responsible Official for this decision is the Forest Supervisor). A similar decision for BLM-administered lands is made as part of the RMP decision. The Forest Service considers leasing availability decisions to be separate from planning decisions, but closely linked to planning decisions, with both planning level and project level components. Oil and gas leasing is analyzed together for both agencies in this DEIS. However, for the Forest Service, oil and gas leasing availability is identified as a separate decision from the USFS LMP decision. The USFS oil and gas leasing decision that is analyzed along with other plan components in this DLMP/DEIS is considered to be a programmatic decision.

These decisions apply to federally administered lands only. When a proposed Federal action could significantly affect the environment, the National Environmental Policy Act (NEPA) requires the preparation of an Environmental Impact Statement (EIS). The Draft EIS component of this document addresses the environmental impacts of the proposed action, which is to adopt the Land Management Plan and the USFS oil and gas leasing availability decision as described in Alternative B, the preferred alternative, and alternatives to it as described in Chapter 2.

Location and Setting

The San Juan Planning Area, located in southwestern Colorado, includes portions of the Colorado Plateau and the San Juan Mountains. This area offers alpine lakes, lush meadows, craggy peaks, deep canyons, cascading waterfalls, unusual geologic formations, lower elevation sandstone canyons and mesas, historic mines, and broad variations in elevation and climate. Located throughout this vast and richly diverse area, there are towns and communities that originally developed around mining and agriculture and that have transitioned in varying degrees to include recreation and tourism. The region has an abundant diversity of resources and amenities, including cultural/historical resources, geological resources (ranging from mid-Proterozoic metamorphic rock complexes to geologically recent San Juan volcanism), hydrological resources (the San Juan Mountains are the headwaters for the Rio Grande, San Juan, Dolores, and Animas Rivers), and recreational amenities (including such recreational opportunities as skiing, snowmobiling, whitewater rafting, kayaking, hiking, mountain biking, OHV-ing, horseback riding, fishing, hunting, motorcycle riding, photography, wildlife viewing, picnicking, scenic driving, etc).

The area also exhibits a wide diversity of ecological characteristics; this is due to its mid-latitude location, wide range of elevations (from 4,900 feet to above 14,000 feet), and widely varying surficial geologic conditions (soils, slopes, rock types, etc.). The planning area includes habitats and sensitive species (i.e. Gypsum Valley cateye) ranked as critically imperiled statewide and globally. The region is currently the last known location in the lower 48 states, of certain arctic mosses relics of the last ice age, and rare alpine fens. The area contains subalpine parks, grasslands and wetlands; nine stratified ecosystems (including alpine, spruce-fir, mixed conifer, ponderosa pine, oak and Douglas fir; aspen forests; parks, and meadowlands); mountain shrub communities; pinyon-juniper woodlands; and shrub-steppe communities.

The lands analyzed under this Draft Land Management Plan/Draft Environmental Impact Statement (DLMP/DEIS) encompass approximately 1,867,800 acres of the San Juan National Forest, administered by the USFS, and approximately 500,000 surface acres and 300,000 acres of subsurface mineral estate administered by the BLM. One portion of the San Juan Public Lands, the Canyons of the Ancients National Monument (CANM), is not included because a separate management plan is being prepared for that area as required by the Monument’s proclamation language.

The planning area is located in Archuleta, Conejos, Dolores, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Rio Grande, San Juan, and San Miguel Counties (see Table 1.1 and Figure 1.1). The western border of the planning area is the Utah/Colorado State line. The southern border of the planning area is the New Mexico/Colorado State line. The eastern border is the Continental Divide. The northern border is the administrative boundaries of the Rio Grande, Gunnison, Grand Mesa, and Uncompahgre National Forests, and the BLM Uncompahgre and Gunnison Field Offices.

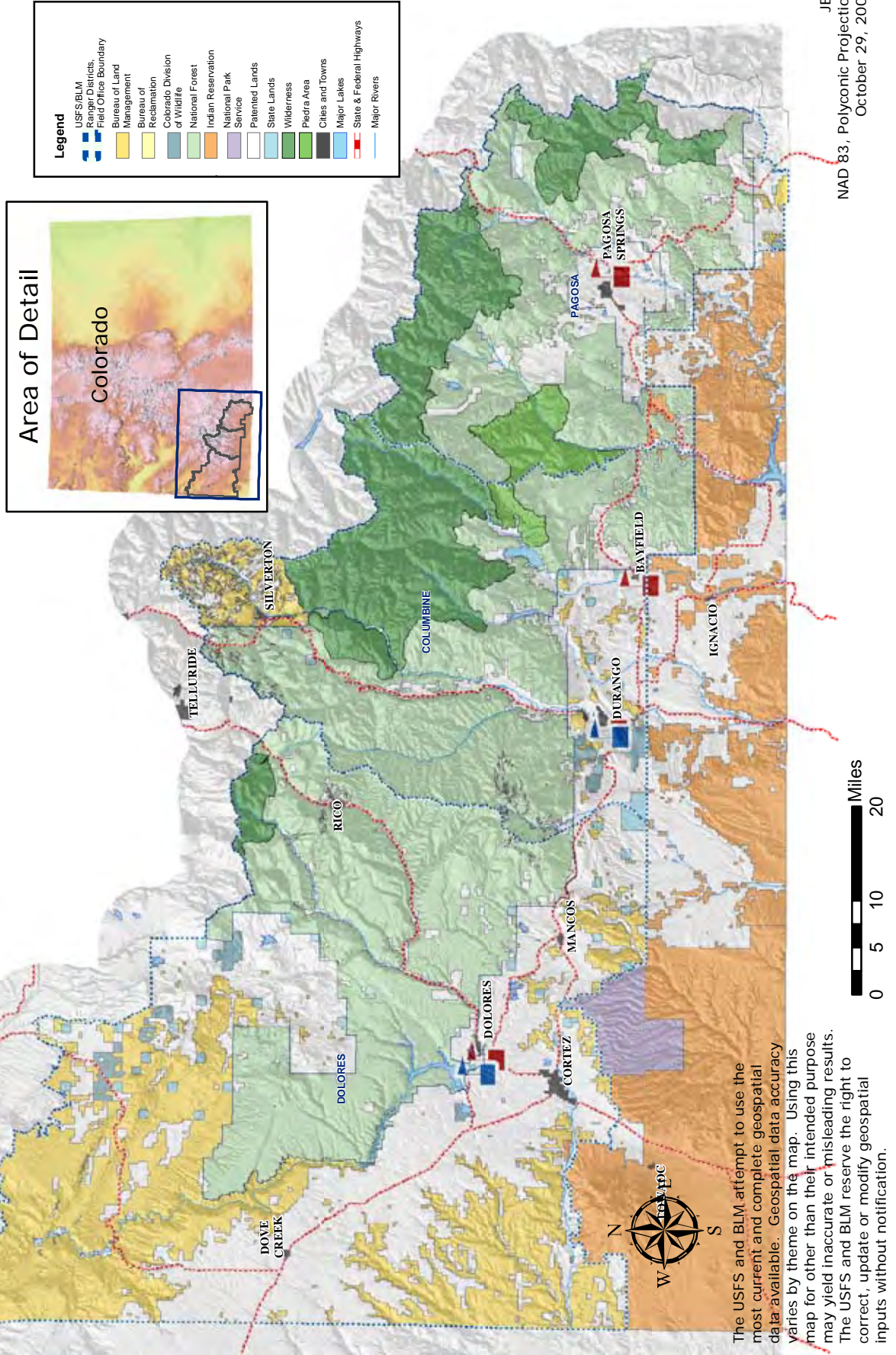
Table 1.1 - Acres Managed (by County)

County	Total Acres in County	USFS-Managed Acres	BLM-Managed Acres, Excluding Canyons of the Ancients National Monument (CANM)	Percent (%) of Total Acres in County Managed by the USFS and the BLM (excluding CANM)
Archuleta	864,140	400,363	6,382	47%
Conejos	823,820	5,136	0	<1%
Dolores	682,860	329,166	68,618	58%
Hinsdale	715,315	183,154	11	25%
La Plata	1,082,975	399,996	21,957	39%
Mineral	560,460	132,028	0	24%
Montezuma	1,303,445	257,959	38,186	23%
Montrose	1,433,990	0	62,581	4%
Rio Grande	583,425	4,919	0	<1%
San Juan	247,950	152,117	44,693	79%
San Miguel	823,360	0	261,786	32%
TOTAL	9,121,740	1,864,839	504,399	26%

Figure 1.1 - San Juan Public Lands Planning Area



San Juan Public Lands



The USFS and BLM attempt to use the most current and complete geospatial data available. Geospatial data accuracy varies by theme on the map. Using this map for other than their intended purpose may yield inaccurate or misleading results. The USFS and BLM reserve the right to correct, update or modify geospatial inputs without notification.

JET
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The San Juan public lands are administered by the USFS, an agency of the U.S. Department of Agriculture (USDA) and by the BLM, an agency of the U.S. Department of the Interior (USDI). The goals and objectives of these agencies, with regard to public land management, are briefly described below.

The Bureau of Land Management (BLM)

The Bureau of Land Management (BLM) was established in 1946 through the consolidation of the General Land Office (created in 1812) and the U.S. Grazing Service (formed in 1934). The BLM is responsible for carrying out a variety of programs for the management and conservation of resources on 258 million surface acres, as well as 700 million acres of subsurface mineral estate. These public lands make up about 13 percent of the total land surface of the United States and more than 40 percent of all land managed by the Federal government. The BLM manages multiple resources and uses, including energy and minerals; timber; forage; recreation; wild horse and burro herds; fish and wildlife habitat; wilderness areas; and archaeological, paleontological, and historical sites. In addition to its minerals management responsibilities, the BLM administers mineral leasing and oversees mineral operations on Federal mineral estate underlying other State, private, or federally administered land, and manages most mineral operations on Native American tribal lands.

In Colorado, the BLM manages 8.4 million acres of public lands – ranging from 4,000 to over 14,000 feet in elevation – along with 29 million acres of subsurface mineral estate. The BLM manages these lands for a multitude of uses, including recreation, mining, wildlife habitat, wilderness, energy development, and livestock grazing. The BLM adheres to the principal of multiple-use management outlined by the Federal Land Policy and Management Act (FLPMA). This means that the BLM balances outdoor recreation and preservation of wildlife habitat, air and water, and other scenic and historical values with environmentally responsible commercial development of the land and its resources. The mix of allowed uses depends on an area's resources, the type of permit, and local demands. The public lands administered by the BLM under analysis in this DLMP/DEIS include approximately 500,000 surface acres and 300,000 acres of subsurface mineral estate.

The United States Forest Service (USFS)

The United States Forest Service (USFS) was established by Congress in 1905, as an agency of the U.S. Department of Agriculture, in order to provide quality water and timber for the nation's benefit. Over the years, Congress required the USFS to manage national forests for additional multiple uses and benefits, as well as for the sustained yield of renewable resources such as water, forage, wildlife, wood, and recreation. This "multiple-use" concept called for the USFS to manage resources under the best combination of uses in order to benefit the American people while, at the same time, ensuring the productivity of the land and protecting the quality of the environment.

The USFS manages public lands in national forests and grasslands totaling 193 million acres of land located in 44 states, Puerto Rico, and the U.S. Virgin Islands (an area equivalent to the size of Texas), known collectively as the National Forest System (NFS). The lands comprise 8.5 percent of the total land area in the United States. The public lands administered by the USFS under analysis in this DLMP/DEIS include approximately 1,867,800 acres of the San Juan National Forest.

President Theodore Roosevelt, on June 5, 1905, signed the Proclamation that created the San Juan and Montezuma Forest Reserves. In 1918 the Durango and San Juan Forests were administratively consolidated. In 1920, President Woodrow Wilson signed an Executive Order officially combining the two Forests into the San Juan National Forest. In 1947, a Land Order was issued that officially consolidated the Montezuma and San Juan Forests, resulting in the current boundaries of the San Juan National Forest. Today, the San Juan National Forest covers an area spanning more than 120 miles from east to west, and more than 60 miles from north to south.

San Juan Public Lands – Service First

The BLM and the USFS share similar missions, partners, issues and constituents. In order to improve public service, the two land management agencies are developing ways to work together under a concept known as “Service First.” The BLM and Forest Service Offices in southwestern Colorado are pioneering this Service First partnership strategy, which is designed to provide better stewardship of land and resources, to enhance customer service, and to provide more cost-effective delivery of services to users of the San Juan public lands (SJPL).

Under the Service First Interagency Agreement (June 5, 2005), employees of the San Juan Public Lands Center (SJPLC) and its Ranger District/Field Offices are working together as a single team in order to provide leadership in all aspects of land management. The improved efficiency and effectiveness of their combined workforces, the quality of their integrated resource management decisions, and the cooperative delivery of their products and services, in relation to the San Juan public lands, is enhancing the ability of both agencies to better serve the public. Many permit holders, recreation users, and other interested parties have become accustomed to Service First, and both agencies are committed to continuing this cooperative partnership in order to better serve the needs of the land and of the public.

1.2 OVERVIEW OF THE DRAFT LAND MANAGEMENT PLAN/DRAFT ENVIRONMENTAL IMPACT STATEMENT

In accordance with the National Environmental Policy Act of 1969 (NEPA, 42 USC 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA), as amended by the National Forest Management Act of 1976, (NFMA, Section 6, 16 USC 1600), and the Federal Land Policy and Management Act of 1976 (FLPMA, 43 USC 1701 et seq.), the BLM San Juan Field Office and the San Juan National Forest, in cooperation under their Service First partnership, have prepared this Draft Land Management Plan/Draft Environmental Impact Statement (DLMP/DEIS) for the San Juan public lands under the combined jurisdiction. In fulfillment of these, and all other legal, regulatory, and policy requirements, as well as with the principles of multiple use and sustained yield, this DLMP/DEIS documents the comprehensive analysis of alternatives and environmental impacts for the future management of public lands and resources administered by the SJPLC.

In April 2004, the SJPLC began a joint long-term planning effort to revise the USFS’s San Juan National Forest Land Management Plan (LMP) (1983) and the BLM’s San Juan/San Miguel Resource Management Plan (RMP) (1985) covering the San Juan public lands. This joint revision provides the opportunity for creating consistent land management direction between the two land management agencies, as well as for seamless public participation in the planning process.

Section 102 of the FLPMA sets forth the policy for periodically projecting the present and future use of public lands, as well as their resources, using the land use planning process. Sections 201 and 202 of the FLPMA establish the BLM’s land use planning requirements. The NFMA establishes the USFS land use planning requirements. The purpose, or goal, of this DLMP/DEIS is to ensure that USFS- and BLM-administered lands are managed in accordance with the requirements of the NFMA, the FLPMA, and the NEPA; and with the principles of multiple use and sustained yield. In addition, the purpose and goal of this planning process is to provide an integrated plan that will guide future land use decisions and project-specific analyses for San Juan public lands under the care and management of both agencies.

The purpose of a BLM RMP is to:

- provide an overview of goals, objectives, and needs associated with public land management; and
- resolve multiple-use conflicts and/or issues associated with those requirements that drive the preparation of the RMP.

The purpose of a USFS LMP is to:

- describe the strategic guidance for forest management, including desired conditions, objectives, strategies, and guidance; and
- determine resource management practices, levels of resource production and management, and the availability and suitability of lands for resource management (36 CFR 219.1(b)).

This DLMP/DEIS has been organized and formatted consistent with applicable National Environmental Policy Act and Council on Environmental Quality (CEQ) guidelines. The goal of this document is to provide the reader with a clear understanding of the alternatives, the environmental resources that may be affected (impacted), the potential environmental consequences, and the environmental review and evaluation process. This document is presented in three volumes, and is consistent with all applicable Federal requirements guiding the preparation of a Draft Land Management Plan (DLMP) and a Draft Environmental Impact Statement (DEIS).

Volume I is the DEIS which describes the proposed action and the alternatives, and analyzes for and discloses the environmental impacts of the proposed action and the alternatives. Volume I includes:

- **Reader's Guide:** This section briefly describes the documents and how to comment.
- **Executive Summary:** The Executive Summary provides a brief overview of discussions that are detailed in the full document. It serves as a synopsis of the planning process, as well as of the purpose and need, the issues, and the alternatives resulting from the planning process.
- **Chapter 1 - Purpose and Need:** This chapter offers a brief history and background of the management area. It describes the lead agencies (the USFS and the BLM) responsible for the overall planning and management of the San Juan public lands. It describes the purpose and need for the action, the scoping process and issues, planning criteria, the planning process, related plans and relevant policy, and the overall vision of this DLMP/DEIS.
- **Chapter 2 - Alternatives:** This chapter describes potential management approaches or “alternatives” and discusses the alternative development process. This document describes four alternative land use plans evaluated in detail in this DLMP/DEIS, including the No-Action Alternative (Alternative A) and the Preferred Alternative (Alternative B).
- **Chapter 3 - Affected Environment/Environmental Consequences:** This chapter describes the current physical, biological, human, and land use environments of the management area (the affected environment). This description provides a baseline against which to compare the impacts of the alternatives. The baseline described in this Chapter represents environmental and social conditions and trends in the planning area at the time this document was being prepared. In addition, this chapter evaluates how, and to what extent, baseline conditions would be altered by the alternatives. These changes are disclosed as the environmental consequences.
- **Chapter 4 - List of Preparers:** This chapter presents the names and qualifications of the people responsible for preparing this DLMP/DEIS.
- **Chapter 5 - References:** This chapter provides full citation information for all references, published and unpublished, cited in this document, as well as personal contacts used in developing this DLMP/DEIS.

Volume II provides a detailed description of Alternative B, the Preferred Alternative.

Volume III provides the appendices and additional supporting information for the overall DLMP/DEIS, which some readers may find helpful when reviewing the main text of the document.

Potential decisions and/or other discussions contained in this document sometimes refer directly to maps and figures. In fact, many potential decisions themselves are “map-based.” Therefore, the reader must rely on the text, maps, and figures, taken together as a whole, in order to fully understand the potential decisions described for each alternative.

1.3 THE EXISTING BLM/USFS LAND MANAGEMENT PLANS

The San Juan Public Lands Center is currently being managed under the following land management plans:

- The San Juan/San Miguel Resource Management Plan (BLM 1985): The current Resource Management Plan (RMP) was approved in 1985, and has been amended five times. Seven Wilderness Study Areas (WSAs) were designated in 1980 and are currently being managed under the Interim Management Policy for Lands under Wilderness Review until such time that Congress makes a final wilderness decision (BLM H-8550-1, BLM 1995). This DLMP/DEIS discusses how those lands would be managed if Congress released them from wilderness study.
- The San Juan National Forest Land Management Plan (USFS 1983): The current San Juan National Forest Land Management Plan (LMP) was approved in 1983, with a major amendment in 1992 and twenty additional amendments. This DLMP/DEIS has been prepared using the provisions of the 1982 planning rule (36 CFR 219), as provided by the 2004 interpretative rule that clarified the transition provisions of the planning rule adopted on November 9, 2000.

The existing land management plans are described in detail below.

1.3.1 THE EXISTING BLM SAN JUAN/SAN MIGUEL RESOURCE MANAGEMENT PLAN

The San Juan/San Miguel RMP (1985) provides management direction for what is now the SJPLC and its four Field Offices: Dolores, Columbine, Pagosa, and Canyons of the Ancients National Monument. It also provides management direction for a portion of the former San Miguel planning area, which is administered by the Uncompahgre Field Office. The San Miguel portion of the RMP will be revised separately by the Uncompahgre Field Office at a later date. A separate RMP is being prepared for Canyons of the Ancients.

Since being approved, the San Miguel/San Juan RMP has been amended five times, in:

- 1991, with an amendment related to oil and gas leasing and development;
- 1993, with an amendment related to the San Miguel River ACEC, recreation, riparian, and visual resources (Uncompahgre Field Office);
- 1997, with an amendment related to Colorado Public Land Health Standards;
- 1997, with an amendment related to prescribed fire direction; and
- 2000, with an amendment related to the Grandview Ridge (urban interface) Coordinated RMP.

The 1991 Colorado Wilderness Study report made wilderness recommendations for the following wilderness study areas (WSAs) in the San Juan Resource Area: Menefee, Weber, McKenna Peak, and Dolores River. In total, these WSAs consist of approximately 62,400 acres within the area covered by this DLMP/DEIS. These lands will continue to be managed under interim guidance provided by the Interim Management Policy and Guidelines for Lands under Wilderness Review (BLM H-8550-1, BLM 1995) until such time that Congress makes a final decision as to their wilderness status. Instruction Memorandum (IM) 2003-275 directs that no additional lands will be allocated for management under the non-impairment standard prescribed in the Interim Management guidance. Other WSAs considered in the wilderness study lie within the Canyons of the Ancients National Monument (which are being addressed in a separate RMP for the Monument), and include Cahone Canyon, Cross Canyon, and Squaw/Papoose WSAs.

Activity level plans (see Table 1.2) that have been developed as additional NEPA decisions tiered to the 1985 RMP will be reviewed for consistency with the FEIS ROD, and will be carried forward and/or updated, as necessary, in order to implement the plan level decisions made.

Table 1.2 - Activity Level Plans Developed under the San Juan/San Miguel RMP

Activity Plan	Potential Changes as a Result of RMP Revision
Perins Peak Wildlife Habitat Management Plan	Revise, as necessary, in order to reflect plan level decisions.
Spring Creek Basin Wild Horse Herd Management Area Plan	Revise, as necessary, in order to reflect plan level decisions.
Dolores River Corridor Management Plan	Revise, as necessary, in order to reflect plan level decisions.
San Miguel Gunnison Sage-Grouse Conservation Plan	Revise, as necessary, in order to reflect plan level decisions.
Grandview Ridge Coordinated Resource Management Plan	Revise, as necessary, in order to reflect plan level decisions.
American Flats/Silverton & Lower Lake Fork Special Recreation Area Management Plan and Cultural Resource Management Plan	Revise, in conjunction with the Gunnison Field office. Update with ecological resource objectives.
Spring Creek Basin/Disappointment Valley Erosion and Salinity Control Watershed Activity Plan	Revise, as necessary, in order to reflect plan level decisions.
Dry Creek Coordinated Resource Management Plan	Revise, as necessary, in order to reflect plan level decisions.
Cunningham Creek Integrated Activity Plan	Completed.

1.3.2 THE EXISTING USFS SAN JUAN NATIONAL FOREST LAND MANAGEMENT PLAN

The Land and Resource Management Plan for San Juan National Forest (1983) provides management direction for the San Juan National Forest and its three Ranger Districts: Dolores, Columbine, and Pagosa.

The Land Management Plan for the San Juan National Forest (1983) has been amended 21 times, including in:

- July 30, 1986, with Amendment No. 1 (which added a recreation appendix);
- July 30, 1986, with Amendment No. 2 (which allowed minor changes to timing of projects);
- January 1, 1987, with Amendment No. 3 (which revised the timber sale schedule);
- August 14, 1987 with Amendment No. 4 and No. 5 (which changed management area prescriptions related to the East Fork Ski Area proposal);
- January 6, 1989 with Amendment No. 6 (which adjusted management area boundaries in La Plata Canyon);
- January 6, 1989 with Amendment No. 7 (which incorporated direction from the BLM San Juan/San Miguel Resource Management Plan into the Forest Plan for an area of land transferred from the BLM to the Forest Service on October 31, 1983);
- January 6, 1989 with Amendment No. 8 (which amended wildlife standards and guidelines [rescinded on April 28, 1989]);
- September 7, 1990 with Amendment No. 9 (which adjusted management area boundaries on the Pine [now Columbine] Ranger District);

- September 7, 1990 with Amendment No. 10 (which adjusted management area boundaries on the Mancos [now Dolores] Ranger District);
- September 7, 1990 with Amendment No. 11 (which adjusted management area boundaries on the Dolores Ranger District);
- September 15, 1991 with Amendment No. 12 (which removed the seven-year regeneration requirement for lodgepole pine from the Forest Direction);
- July 31, 1991 with Amendment No. 13 (which changed program budget projections);
- May 14, 1992, with Amendment No. 14 (which created a new version of the Forest Plan that superseded the original plan, and incorporated all thirteen earlier amendments; as well as adjusted management areas, lands suited for timber production, and allowable sale quantity and program harvest levels for timber);
- February 21, 1992, with Amendment No. 15 (which changed direction for animal damage management activities on the Forest);
- October 10, 1992, with Amendment No. 16, (which made adjustments to the budget requirement in order to incorporate changes to the timber program goals, objectives, and standards and guidelines issued through Amendment #14);
- December 1992, with Amendment No. 17, (which approved the route for the Trans-Colorado Natural Gas Transmission line on the San Juan);
- December 1992, with Amendment No. 18 (which adjusted the management area prescriptions and designation of Falls Creek Archeological Area);
- February 24, 1994, with Amendment No. 19 (which established management direction for the newly acquired Piedra Valley Ranch lands);
- April 9, 1997, with Amendment No. 20 (which changed the prescribed fire plan); and
- August 3, 1998, with Amendment No. 21, (which changed Wilderness Management Direction).

1.3.3 EXISTING USFS OIL AND GAS LEASING

USFS-administered lands in the planning area have been managed for leasing under the analysis and decision for the 1983 San Juan National Forest LMP. Under the LMP, 1,367,769 acres were open for leasing, mostly under standard lease terms. Approximately 95,529 acres are currently leased.

USFS-administered lands in the planning area currently are not being leased due to new information and changed circumstances requiring more up-to-date NEPA analysis. Analysis is needed in order to identify areas available for leasing and subsequent development in a manner compatible with other resource needs.

1.4 THE PLANNING PROCESS

In general, the USFS and the BLM follow the planning process outlined below. Steps 1 through 7 have been completed for the current process. The results of these steps have been incorporated throughout this DLMP/DEIS, and are as follows:

- **Step 1 – Planning Issues Identified:** Issues and concerns are identified through a scoping process that includes the public, special interest groups, Native American tribes, other Federal agencies, and State and local governments.
- **Step 2 – Planning Criteria Development:** Planning criteria are created to ensure that decisions are made to address the issues pertinent to the planning effort.
- **Step 3 – Data and Information Collection:** Based on planning criteria, data and information for the resources in the planning area are collected.
- **Step 4 – Analysis of the Management Situation:** Inventory data and other information is analyzed to determine the ability of the planning area to supply goods and services and to respond to identified issues and opportunities.
- **Step 5 – Alternatives Formulation:** A range of reasonable management alternatives that address issues identified during scoping are developed.
- **Step 6 – Alternatives Assessment:** The environmental impacts of each alternative are estimated and analyzed.
- **Step 7 – Preferred Alternative Selection:** The alternative that best resolves planning issues is identified as the Preferred Alternative (Alternative B, which is described in detail in Volume II of this DLMP/DEIS).
- **Step 8 – Land Management Plan Selection:** A DLMP/DEIS is issued and made available to the public for a review period of 90 calendar days. This document represents this step in the process. During the public review period, the SJPLC will hold additional public meetings in order to further explain the DLMP/DEIS, address public questions, and accept comments in writing. After comments to the draft document have been received and analyzed, the DLMP/DEIS will be revised and modified, as necessary, and the revised LMP/Final EIS (FEIS) Record of Decision (ROD) will be published and made available for public review for 30 calendar days.
- **Step 9 – Implementation:** Upon approval of the ROD, land use decisions outlined in the approved Land Management Plan would be effective immediately and would require no additional planning or NEPA analysis (except as required for individual projects).
- **Step 10 – Monitoring:** This process is intended to provide information on progress toward achieving outcomes, desired conditions and objectives and on how well management requirements such as standards and guidelines are being applied.

1.4.1 KEY DECISIONS TO BE MADE IN THE PLAN REVISIONS

The key decisions to be made in this integrated DLMP/DEIS planning process for the long-term management of the SJPL include:

- The establishment of desired outcomes, including multiple-use goals and objectives (36 CFR 219.11(b), 43 CFR 1601.0-5(k) (3)). (These are primarily expressed as desired conditions in Part 1, and as objectives in Part 2 of Alternative B, the Preferred Alternative, which is described in detail in Volume II.)
- The establishment of management requirements, including measures or criteria that would be applied in order to guide day-to-day activities (36 CFR 219.13 to 219.27, 43 CFR 1601.0-5(k) (2) and (4)). (These are primarily expressed as standards and guidelines and other design criteria in Part 3 of Alternative B, the Preferred Alternative.)
- The establishment of management area direction, including identifying allowable uses, and/or allocations, restrictions, and prohibitions (36 CFR 219.11(c) and 43 CFR 1601.0-5(k) (1), (2), and (3)). All lands within the planning area are allocated to one of seven management areas (MAs), or zones, that reflect different levels of development and suitable uses or activities. (Management areas are discussed under geographic areas in Part 1, and under suitability in Part 2 of Alternative B, the Preferred Alternative.)
- The designations of Research Natural Areas (RNAs) and Areas of Critical Environmental Concern (ACECs) (36 CFR 219.25, 43 CFR 1601.0-5(k) (1) and 43 CFR 1601.7-2). (Areas with these designations are identified in the special areas section of Part 2 of Alternative B, the Preferred Alternative.)
- The recommendations of lands for inclusion in the National Wilderness Preservation System (36 CFR 219.17). (These areas are identified in the special areas section of Part 2 of Alternative B, the Preferred Alternative.)
- The identification of river segments that are suitable for inclusion in the National Wild and Scenic Rivers System (PL 90-542 and 36 CFR 219.2(a)). (These are identified in the special areas section of Part 2 of Alternative B, the Preferred Alternative.)
- The designation of suitable timber land (16 USC 1604(k) and 36 CFR 219.14) and the establishment of allowable sale quantity (36 CFR 219.16). (These are described in the suitability and objectives sections of Part 2 of Alternative B, the Preferred Alternative.)
- The establishment of monitoring and evaluation requirements (36 CFR 219.11(d), 43 CFR 1601.0-5(k) (8) and 43 CFR 1610.4-9). (These are described in the monitoring section of Part 2 of Alternative B, the Preferred Alternative.)
- Allocation of livestock forage (AUMs) and areas available for livestock grazing on BLM-administered public lands (43 CFR 4100.0-8, BLM handbook 1601-1 Land Use Planning Appendix C II. B). (These are described in the suitability section of Part 2 of Alternative B, the Preferred Alternative.) and in Appendix L of the DEIS.

Table 1.3 shows how the key decisions, in the terminology of each agency, fit with the different sections of the DLMP/DEIS. The key elements of a BLM and a USFS land use plan overlap, in spite of different planning regulations and handbook direction.

Table 1.3 - Plan Components and USFS and BLM Decision Types

PLAN SECTIONS	USFS PLAN DECISIONS	BLM PLAN DECISIONS
PLAN PART I – Vision		
Desired Conditions	Goals Management Area Prescriptions	Desired Outcomes – Goals
PLAN PART II – Strategy		
Objectives	Objectives	Desired Outcomes: Objectives Management Actions: Actions anticipated to achieve desired conditions, including actions to maintain, restore, or improve land health
Suitability	Suitability and Capability	Allowable Uses: Uses, or allocations, that are allowable, restricted, or prohibited
Special Areas	Management Area Prescriptions, Congressional Recommendations	Management Actions: Administrative Designations
Monitoring	Monitoring Requirements	Monitoring Requirements
PLAN PART III – Design Criteria		
Standards and Guidelines	Standards and Guidelines (forestwide and management area-specific)	Management Actions: Measures or criteria that will be applied to guide day-to-day activities

1.4.2 KEY DECISIONS MADE REGARDING USFS OIL AND GAS LEASING AVAILABILITY

A planning-related action analyzed in this DEIS is the identification of National Forest System lands that would be administratively available for oil and gas leasing, along with designation of lease stipulations to be applied to future leases in order to protect other resources (36 CFR 228.102(c) and (d)). The oil and gas leasing availability decisions consist of identifying, on maps, those areas that would be:

- open to development, subject to the terms and conditions of the standard oil and gas lease form (including an explanation of the typical standards and objectives to be enforced under the standard lease terms);
- open to development, subject to constraints that would require the use of lease stipulations, such as those prohibiting surface use on areas larger than 40 acres, or such other standards as may be developed in the DLMP/DEIS for stipulation use (with discussion as to why the constraints are necessary and justifiable); or
- closed to leasing, with distinction made between those areas that are closed through exercise of management direction, and those closed by law or regulation.

1.4.3 MULTIPLE-LEVEL DECISION-MAKING

The USFS and the BLM land use plans are only part of a multiple-level decision-making framework. Land use plans are designed to be consistent with national-level agency policies and regulations, as well as with the USFS and the BLM strategic plans that establish goals, objectives, performance measures, and strategies for each agency.

Land use plans, which apply to an administrative unit such as that administered by the San Juan Public Lands Center, provide the broad guidance and information needed for project and activity decision-making. This DLMP/DEIS will guide relevant resource management programs, practices, uses, and protection measures. Land use plans do not grant, withhold, or modify any contract, permit, or other legal instrument; subject anyone to civil or criminal liability; or create any legal rights. Land use plans also, typically, do not approve or execute projects and/or activities.

This DLMP/DEIS examines potential environmental impacts that could occur as a result of land use allocations and/or the implementation of a typical program of work (i.e., anticipated levels of activities and/or uses) associated with the final planning decisions. Potential subsequent projects and/or activities are discussed in this document in order to analyze the differences between the DLMP/DEIS alternatives. These projects and activities are actions that could occur, but are not authorized or approved by this DLMP/DEIS, and would be required to be analyzed by subsequent environmental analysis (40 CFR 1508.23).

1.4.4 CONSISTENCY OF DECISIONS BETWEEN PROJECTS AND PLANS

All projects and/or activities authorized by the BLM and the USFS must be consistent with the DLMP/DEIS (16 USC 1604 (i), 43 CFR 1601.5-3). A project or activity is considered consistent with the DLMP/DEIS if it is consistent with the planning decisions described on the previous pages.

Where a proposed project and/or activity would not be consistent with the DLMP/DEIS decisions, the Responsible Official has the following options:

- to modify the proposal so that the project or activity would be consistent;
- to reject the proposal; and/or
- to amend the land use plan contemporaneously, with the approval of the project and/or activity, so that the project and/or activity would be consistent with the land use plan, as amended. The amendment may be limited, and may only apply to the project and/or activity listed in the amendment. The amendment would require further environmental and public input.

1.4.5 CONSISTENCY OF PROJECTS WITH THE OIL AND GAS LEASING AVAILABILITY DECISION

After the oil and gas leasing availability decision is made for NFS lands, the USFS would authorize the BLM to lease specific lands. Subsequent lease nominations submitted to BLM by industry would be subject to verification that leasing has been adequately addressed in a NEPA document and is consistent with the Forest land and resource management plan; assurance that conditions of surface occupancy identified in the leasing availability decision are properly included as stipulations in resulting leases; and determination that operations and development could be allowed somewhere on each proposed lease, except where stipulations prohibit all surface occupancy.

Ground-disturbing activities, such as drilling exploratory wells, would require further NEPA analysis when an application for permit to drill (APD) is received. Proposals to develop a field would also require site-specific NEPA analysis before being approved.

1.5 PURPOSE AND NEED

The Council on Environmental Quality (CEQ) regulations (40 Code of Federal Regulation (CFR) 1502.13) require that a Draft EIS “briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action.” The purpose and need section of this DLMP/DEIS provides a context and a framework for establishing and evaluating the reasonable range of alternatives described in Chapter 2.

The purpose and need for revising the Plans is discussed in Section 1.5.1; the purpose and need for revising the USFS oil and gas leasing availability decision follows in Section 1.5.2.

1.5.1 PURPOSE AND NEED FOR PLAN REVISION

In April 2004, the SJPLC initiated a joint revision of the BLM and the USFS land use plans that guide management of the area that the SJPLC now administers. This effort will streamline management and ensure that plan decisions are coordinated between the two agencies, and that they are compatible with mutual goals and objectives. The two previous land use plans will be replaced by one coordinated plan that covers all lands administered by the SJPLC, excluding the Canyons of the Ancients National Monument. The DLMP/DEIS is structured differently than a typical BLM RMP or a USFS LMP, due to the multi-agency nature of this combined planning process. A draft LMP is found in Volume II of this package. The draft LMP corresponds to Alternative B, the Preferred Alternative (also referred to as “the Plan” by the USFS). The ways in which other alternatives vary from the draft LMP are discussed in Chapter 2 of the DLMP/DEIS.

Most aspects of the BLM and the USFS planning processes have been combined. Where laws, regulations, and/or policies that govern planning for each agency differ, the planning process and associated documents remain separated and are clearly identified as applying to only one agency. Some of the more important and relevant guidance to consider when revising the existing plans is described in section 1.9.

The BLM and the USFS identified the need to revise the existing plans through a formal evaluation of the existing plans; consideration of the Analysis of the Management Situation (AMS); evaluation of USFS monitoring findings; examination of issues identified during the public scoping process; and through collaboration with cooperating local, State and Federal agencies, as well as with Native American tribal agencies and entities. Based on analysis of this information, this DLMP/DEIS will provide updated management direction for the planning area, which is needed due to the fact that social, environmental, and administrative conditions have changed since the San Juan/San Miguel RMP and the San Juan National Forest Land Management Plan were developed. There are a number of new issues; higher levels of controversy around existing issues; and new, unforeseen public land issues and concerns that have arisen over the years that were not included in the previous plans. In addition, new resource assessments and scientific information is available to help the agencies in making more informed decisions.

Management direction in the existing plans needs updating in order to:

- reflect the balance between continued traditional uses of the planning area, such as with timber harvest, grazing, and the diverse mix of recreation activities (many of which require, or are enhanced by, the maintenance of large, contiguous areas of relatively undeveloped land);
- reflect current knowledge of the ecosystems that make up the planning area, based upon new information available due to updated vegetation inventories and studies conducted since the existing plans were developed;

- reflect the increased focus that the SJPLC has had on ecological restoration since the existing plans were developed;
- reflect current knowledge about the role of natural fire, insects, disease, and other disturbance processes in the ecosystems that make up the planning area;
- reflect changes in the wood products industry that have occurred since the significant amendment to the San Juan National Forest LMP in 1982;
- reflect the increased focus on working with communities in order to reduce the risk of wildfire in the wildland-urban interface in residential areas;
- reflect the balance between energy production needs and the protection of other resources;
- reflect the population growth in local communities and the increased emphasis on public lands amenities used by people living near the planning area;
- reflect the increased knowledge of the types of benefits, settings, and opportunities people are seeking when they recreate in the planning area;
- help resolve travel management conflicts and provide a better basis for subsequent site-specific decisions on designating routes for motorized travel;
- update land allocations related to downhill ski areas (East Fork, Wolf Creek Valley, and Wolf Creek) in order to reflect changed conditions;
- encourage working collaboratively with stakeholders in order to balance water development opportunities and to protect other resources;
- reflect the emphasis on key areas of the planning area that have unique and outstanding features and legal definition;
- incorporate an updated, more accurate inventory of USFS roadless areas, as a reflection of national policy on roadless area protection, as well as of the State of Colorado's recommendations for management of roadless areas; and
- incorporate an updated inventory of river segments that meet the eligibility requirements of the Wild and Scenic Rivers Act (WSRA), and determine the best mechanisms to protect their outstandingly remarkable values while, at the same time, balancing competing opportunities for water development and other uses.

In the planning process for this DLMP/DEIS, existing decisions were reviewed for their relevance, as well as for their potential effectiveness, in the continued management of resources. Relevant decisions from the existing RMP, LMP, and Activity Plans will be carried forward. Examples include, but are not limited to, the following:

- Wild Horse Herd Management (2005);
- Management of existing USFS Wilderness (1998); and
- Management of BLM Wilderness Study Areas (1991).

1.5.2 PURPOSE AND NEED FOR THE USFS OIL AND GAS LEASING AVAILABILITY DECISION

In order to respond to formal requests for oil and gas leases, the Forest Service needs to identify lands on the San Juan National Forest that will be available for oil and gas leasing. The need for identifying lands available for leasing arises from the public's demand for energy, specifically oil and natural gas, and the Federal Government's policy to "foster and encourage private enterprise in... the orderly and economic development of domestic mineral resources..." (*Mining and Minerals Policy Act of 1970.*)

The purpose of making NFS lands available for oil and gas leasing is to facilitate the production of energy resources in support of local and regional economies and a secure and stable domestic energy supply. Making lands on the San Juan National Forest available for oil and gas leasing would contribute to meeting the need for energy resources developed and produced in an environmentally sound manner.

Oil and gas leasing on the San Juan National Forest would:

- be consistent with the Revised Land Management Plan;
- comply with the requirements for leasing analysis and decisions at 36 CFR 228.102;
- allow processing of pending lease nominations (approximately 110,000 acres, mostly on the western portion of the San Juan National Forest) and future nominations;
- reflect changes in land allocations (management areas) from amendments to the existing San Juan National Forest LMP, as well as with additional changes proposed in the DLMP/DEIS;
- reflect the updated inventory of USFS roadless areas, consistent with national policy on roadless area protection, and reflect the State of Colorado's recommendations for management of roadless areas.

1.6 SCOPING PROCESS

The National Environmental Policy Act (NEPA) requires that Federal agencies hold an open and early process for determining the scope of issues to be addressed in order to identify the significant issues that could be associated with the proposed action. The term "scope" is defined as the range of actions, alternatives, and impacts to be considered during NEPA analysis. Scoping process objectives are intended to:

- identify potentially interested parties;
- identify public and agency concerns;
- define the range of issues that will be examined in the DLMP/DEIS;
- ensure that relevant issues are identified early and drive the process; and
- establish a public record.

The SJPLC conducted a broad community-based public input process. The scoping process included the following sixteen components (see Table 1.4).

Table 1.4 - Overview of Scoping Process

SCOPING COMPONENT	DURATION	FORUM	COMMUNITY INPUT SUMMARY SOURCES
Community study groups	Jan. 2005 - ongoing	25 facilitated open public meetings	66 comment summary sheets and 33 maps on forest planning website: http://ocs.fortlewis.edu/forestPlan
On-site town meetings	Summer 2005	3 facilitated open public meetings	Input integrated into study group comment summaries: http://ocs.fortlewis.edu/forestPlan
Cooperating agency MOUs	ongoing	State, local, and tribal governments were invited to be cooperating agencies. Montezuma County and the Town of Rico accepted.	Documentation available at SJPLC
Meetings with local and State government representatives	ongoing	County Commissioner meetings and other meetings with representatives of local and State governments	Documentation available at SJPLC
Meetings with tribal governments	ongoing	Tribal Council meetings and other meetings with tribal representatives	Documentation available at SJPLC
Recreation interviews	Jan. - May 2004	83 interviews with recreation groups, outfitters, conservationists	Report: Interviews conducted for Recreation Planning: http://ocs.fortlewis.edu/forestPlan
Written comments	1999 -ongoing	Written comments submitted to SJPLC	Written comments available at SJPLC
Web comments	Jan. 2005 - ongoing	Available during study group meetings on forest planning website	Digital database available at SJPLC
Governmental water roundtable	May 2005 - ongoing	14 monthly meetings so far, with more scheduled	Meeting summaries and resources on forest planning website: http://ocs.fortlewis.edu/forestPlan
Aspen workshop	Dec. 2004	1 focused workshop	Meetings summaries available at SJPLC
Community wildfire protection planning	2001 - ongoing	Separate process, but input and fire plans considered in plan revision	Documents available at Southwest Colorado Information Clearinghouse: http://www.southwestcoloradofires.org
Northern San Juan Basin EIS	Summer, Fall 2004	Separate process, but input considered in plan revision	Contact SJPLC for EIS documentation
Roadless Area Taskforce public meeting	Dec. 2005	1 facilitated meeting in La Plata County	Meeting documentation available at http://www.keystone.org/htm
Information Carried Forward From Earlier Community Participation Processes			
Community study groups (1st Round)	April 1996 – May 1997	Monthly facilitated open public meetings	Summary Report and background materials available at SJPLC
Community working groups (1st Round)	June 1997 – Jan. 1998	Monthly facilitated open public meetings	Summary Report and background materials available at SJPLC
Community study groups (1st Round) plenary session	June 2, 1998	Facilitated open public meeting	Report available at SJPLC

SCOPING ISSUES

Issues identify demands, concerns, and/or conflicts regarding the use and/or management of public lands and resources. These issues typically express potential impacts on land and on resource values. The main topic areas addressed in this DEIS were identified based on input from interagency consultation, other Federal agencies, State and local government, cooperating agencies, internal review, the public, industry representatives, and special interest groups. The issues represent the challenges that exist with current management, with the current BLM and USFS plans, and with the current USFS oil and gas leasing availability decision. The SJPLC has documented each of the issues in a scoping report and has placed each in one of three categories:

1. Issues to be Resolved in the DLMP/oil and gas leasing availability decision/DEIS;
2. Issues to be Resolved through Policy or Administrative Action; or
3. Issues beyond the Scope of this DLMP/oil and gas leasing availability decision/DEIS.

The scoping report provided rationale for each issue placed in category 2 or 3. The scoping report is available in the administrative record (AR).

The identified issues in category 1 are addressed in Alternative B, the Preferred Alternative (which is described in detail in Volume II of this DLMP/DEIS). The other alternatives vary in terms of program emphasis, land allocations, and suitable uses. Not all aspects of the existing land use plans need to be changed; consequently, some things are held constant between alternatives. For example, management direction for existing wilderness does not vary by alternative, based on the analysis determining that no change in direction was needed. On the other hand, recommendations for new additions to the National Wilderness Preservation System do vary between alternatives.

Four main issues drove the development of alternatives in this DLMP/DEIS. The alternatives reflect where people had notably different ideas about how to manage and/or how to use different areas administered by the SJPLC. These different ideas came from the community study groups, scoping meetings, written comments, and other scoping activities. These issues are described below.

Balancing management between the ideas of maintaining “working forest and rangelands” and retaining “core undeveloped areas”

Two key features that describe the planning area include: 1) it has large expanses of relatively pristine lands, and 2) people value the fact that a broad mix of traditional uses and activities still occur. Much of the discussion in community meetings focused on how to best maintain a good balance between these two key features.

When people discussed maintaining a “working forest,” the emphasis included the ideas of respecting valid and existing rights to resources, retaining access and commodity production activities that are important to the economy of local communities, and continuing historical uses in areas where access and infrastructure investments have already been made.

The desires expressed by the people who discussed retaining “core undeveloped areas” included retaining areas that have not been developed in order to provide high-quality wildlife habitat and corridors, minimize ecosystem fragmentation, and support natural ecosystem functions. Maintaining the roadless character of much of the planning area was identified as important by wildlife managers, sportsmen, and by many interested citizens.

Recreation and Travel Management

The public lands administered by the San Juan Public Lands Center are becoming increasingly important as a scenic backdrop, as well as a place to recreate, to residents of nearby communities and to people visiting the area. Discussion at community meetings often included the need to find a balance between the way long-time residents, new arrivals, and visitors use the public lands. Opinions were divided on the appropriate mix of different types of recreation settings and opportunities that should be provided on public lands. Opinions also differed on where to emphasize motorized travel versus non-motorized travel.

Management of Special Areas and Unique Landscapes

A number of unique and special areas were identified during the scoping process as meriting special attention. The importance of maintaining scenic views and recreation opportunities along important travel routes, such as along the San Juan Skyway, the Alpine Loop Backcountry Byway, the Continental Divide Trail, and the Colorado Trail, were common to all alternatives. Some established designations, such as the Chimney Rock Archeological Area and the Spring Creek Wild Horse Herd Area, were also carried forward in all alternatives. Suitability of roadless areas of the San Juan National Forest for inclusion in the National Wilderness Preservation System, and the suitability of rivers and streams on both BLM and National Forest System lands for inclusion in the National Wild and Scenic Rivers System are examined and analyzed in alternatives. Alternative ways of managing some unique landscapes, including the Dolores River Canyon, Silverton, Rico, and the HD Mountains, are also examined.

Oil and Gas Development

The lands administered by the SJPLC contain several areas with moderate to high potential for oil and gas resources. A key challenge for the future is providing for potential energy development while, at the same time, protecting other resource values. People expressed concerns regarding both where and how development might occur.

Community participants noted that Land Management Plan and oil and gas leasing availability decisions need to be coordinated so that the infrastructure needs (roads, well pads, and pipelines) for oil and gas development are compatible with desired conditions for specific areas of land. Comments mostly related to whether new road construction should occur in areas that are currently undeveloped. Areas available for leasing vary by alternative in order to reflect the different land allocations and management emphases in the Land Management Plan alternatives.

Lease stipulations provide protection for other resource values and/or land uses, such as unique soil conditions, steep slopes, ecological integrity, wildlife habitat, cultural resources, high-use recreation areas, and scenic quality. Stipulations would be applied to new leases in order to respond to issues of how development might occur.

Four alternatives (discussed in detail in Chapter 2) with varying management area allocations and objectives were developed in order to focus on resolving these issues. A number of other alternatives were considered but not analyzed in detail.

1.7 POLICY

A broad range of Federal policies, decisions, and laws guide development of the DLMP/DEIS and the oil and gas leasing availability analysis. Key laws with bearing on the decisions are discussed below.

Federal Land Policy Management Act (FLPMA)

The Federal Land Policy Management Act (FLPMA) establishes the land management authority of the BLM and provides guidance for how public lands are to be managed by the BLM. The BLM manages public lands on the basis of multiple use and sustained yield. It requires that the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values be protected. Sections 201 and 202 of the FLPMA establish the BLM's land use planning requirements.

National Forest Management Act (NFMA)

The National Forest Management Act (NFMA) amended the Forest and Rangeland Renewable Resources Planning Act (RPA) of 1974 to require preparation of Land Management Plans for National Forests and National Grasslands. Land management plans provide guidance and direction to the agency for all resource management activities on the unit.

Under the NFMA, the Forest Service must prepare land management plans using an Interdisciplinary (ID) team and public participation. In addition, the Forest Service must comply with the National Environmental Policy Act (NEPA) in the development, review, and revision of LMPs. Permits, contracts, plans, and other instruments used in managing National Forest System lands—such as timber sale contracts, grazing permits, and mine reclamation plans—must be consistent with the land management plan.

The National Environmental Policy Act (NEPA)

The National Environmental Policy Act (NEPA) established a national policy to maintain conditions under which people and nature can exist in productive harmony while, at the same time, fulfilling the social, economic, and other requirements of present and future generations of Americans. It established the Council on Environmental Quality (CEQ) in order to coordinate environmental matters at the Federal level and to advise the President on such matters. Under the law, all Federal actions that could result in a significant impact on the environment are subject to review by Federal, State, local, and Native American tribal environmental authorities, as well as by affected parties and interested citizens.

The Clean Air Act (CAA)

The United States Congress passed the Clean Air Act in 1963, the Air Quality Act in 1967, the Clean Air Act Extension of 1970, and Clean Air Act Amendments in 1977 and 1990. The 1963 Clean Air Act relied on states to issue and enforce regulations regarding air pollution. Congress amended the Clean Air Act in 1970 and established the Environmental Protection Agency (EPA) to set and enforce national standards for air pollution. In 1990, the EPA was authorized to set National Ambient Air Quality Standards (NAAQS), which establish acceptable concentrations of six criteria pollutants: ozone (O₃), carbon monoxide (CO), sulfur dioxide (SO₂), lead (Pb), nitrogen dioxide (NO₂), and particulate matter (PM_{2.5}).

The Clean Water Act (CWA)

The Clean Water Act (CWA), or the Federal Water Pollution Control Act, is the principal law governing pollution of the nation's surface waters (33 USC 1251). Originally enacted in 1948, it was revised, by subsequent amendments, to spell out programs for water quality improvements; programs that are still being implemented by industries and municipalities. The Clean Water Act consists of two major parts. The first provision authorized Federal financial assistance for municipal sewage treatment plant construction. The second provision, which is regulatory, established a national policy to maintain conditions under which people and nature can exist in productive harmony while, at the same time, fulfilling social, economic, and other requirements.

The Endangered Species Act (ESA)

Management activities on private and public lands are subject to the Federal Endangered Species Act (ESA), as amended. It directs project proponents or government agencies, as appropriate, to consult with the United States Fish and Wildlife Service (USFWS) and/or the National Oceanic and Atmospheric Administration Fisheries Service (NOAA Fisheries) in order to address the impacts of management activities on threatened and endangered species and designated critical habitat. This consultation leads to the issuance of a Biological Opinion (BO), and may result in the issuance of a Section 10(a) permit (for non-Federal actions) or a Section 7 permit (for Federal actions) by the USFWS and/or NOAA Fisheries. The SJPLC is consulting with the USFWS regarding any actions that may, under this DLMP/DEIS affect ESA listed species. To this end, a Biological Assessment (BA) has been prepared for the actions proposed through this DLMP/DEIS.

The National Historic Preservation Act (NHPA)

The National Historic Preservation Act (NHPA) is the primary Federal law providing for the protection and preservation of cultural resources. The NHPA established the National Register of Historic Places (NRHP), the Advisory Council on Historic Preservation (ACHP), and the State Office of Historic Preservation (SHPO).

The Migratory Bird Treaty Act (MBTA)

The Migratory Bird Treaty Act (MBTA) is the domestic law that implements the United States' commitment to four international conventions (with Canada, Japan, Mexico, and Russia) for the protection of a shared migratory bird resource. Under this law, all migratory birds and their parts (including eggs, nests, and feathers) are fully protected. Each of the conventions protects select species of birds that are common to multiple countries (i.e., they occur in both more than one country at some point during their annual life cycle). The law is implemented by the USFWS. The SJPLC would be required to manage the bird populations on USFS- and BLM-administered public lands in the planning area consistent with the requirements of the MBTA.

Multiple-Use and Sustained-Yield Act of 1960

States the "National Forests are established and administered for outdoor recreation, range, timber, watershed, and fish and wildlife purposes," (16 USC 528).

The Secretary of Agriculture is authorized and directed to develop and administer the renewable surface resources of the National Forests for multiple use and sustained-yield of the several products and services obtained therefrom. In the administration of the National Forest due consideration shall be given to the relative values of the various resources in particular cases. The establishment and maintenance of the areas of wilderness are consistent with the purposes and provisions of section 528 to 531 of this title, (16 USC 529). The Secretary is also authorized to cooperate with State and local governmental agencies in management of National Forests, (16 USC 529).

Federal Land Transaction Facilitation Act (FLTFA) (P.L. 106-248)

Authorizes the Secretary of the Interior to sell or exchange public lands nationwide under the Federal Land Policy and Management Act of 1976. The FLTFA authorizes the proceeds generated from the sale or exchange of public lands, identified for disposal in an approved land use plan in effect on July 25, 2000, to be dedicated to the acquisition of certain lands and for expenses necessary to carry out disposals under the FLTFA. Proceeds generated from the disposal of public land may be properly dedicated to the acquisition of inholdings and other land that will improve the resource management ability of the Federal land management agencies and adjoining landowners. Provisions of law expire 10 years after the date of enactment of the Act (July 25, 2010).

Mineral Leasing Act of 1920 as amended

Provides for the leasing of deposits of coal, phosphate, sodium, potassium, oil, oil shale, native asphalt, solid and semi-solid bitumen, and bituminous rock or gas, and lands containing such deposits owned by the United States, including those in national forest, but excluding those acquired under other acts subsequent to February 25, 1920.

Federal Onshore Oil and Gas Leasing Reform Act of 1987

Amended the Mineral Leasing Act of 1920. Established a new oil and gas leasing system, and changed certain operational procedures for onshore Federal lands. The Federal Onshore Oil and Gas Leasing Reform Act of 1987 states that the BLM cannot lease over the objection of the Forest Service and authorizes the Forest Service to regulate all surface disturbing activities conducted pursuant to a lease. The act requires the Forest Service to evaluate National Forest System lands for potential oil and gas leasing. The Forest Service decides whether or not lands will be available for leasing and decides under what conditions (stipulations) the leases will be issued.

Mining and Minerals Policy Act of 1970 (P.L. 91-631)

The Mining and Minerals Policy Act declares that it is the continuing policy of the Federal government in the national interest to foster and encourage the orderly and economic development of domestic mineral resources, reserves, and reclamation of metals and minerals to help assure satisfaction of industrial, security, and environmental needs.

Energy Policy Act of 2005 (P.L. 109-58)

Sec. 368. Energy right-of-way corridors on Federal land. Provides for the Secretaries of Interior and Agriculture to designate, under their respective authorities, corridors for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities on Federal land in the eleven contiguous Western States (as defined in section 103(o) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(o)); Designated corridors are to be incorporated into the Forest Service and BLM land use and resource management plans.

Energy Security Act of 1970 (P.L. 96-294)

The Energy Security Act established the intent of Congress that the Secretary of Agriculture shall process applications for leases of National Forest System lands and for permits to explore, drill, and develop resources on land leased from the Forest Service, notwithstanding the current status of Land Management Plans.

The Brunot Agreement

The Brunot Agreement, ratified by Congress in 1874, withdrew over 5,000 square miles in the mountains of southwestern Colorado from the 1868 Ute Reservation. The agreement, entered into between the United States (as represented by Felix Brunot) and the Ute Indians in Colorado, was passed into law (18 Stat., 36) by the House of Representatives and the Senate of the U.S. Congress on April 29, 1974. Under the “reserved rights doctrine,” hunting rights on reservation lands relinquished by the Utes were retained; that is, the tribes retained such rights as part of their status as prior and continuing sovereigns. Article II of the Bruno Agreement specified that “the United States shall permit the Ute Indians to hunt upon said lands so long as the game lasts and the Indians are at peace with the white people.” These hunting rights currently apply only to the Ute Mountain Ute Indian Tribe, acknowledged when the tribe sued the State of Colorado for their historical hunting rights in 1978. The rights were granted to the tribe under a consent decree that gives enrolled members of the Ute Mountain Ute Tribe the right to hunt deer and elk in the Brunot area for subsistence, religious, or ceremonial purposes. The consent decree specifies that tribal members may hunt deer and elk without a State license year-round, providing that they obtain a tribal hunting permit. Other game animals may be hunted without a license and without bag limits, but only during hunting seasons established by the Colorado Division of Wildlife (CDOW).

Additional Planning Guidance for both Agencies:

- Executive Orders:
 - Executive Order 13007 (Indian Sacred Sites);
 - Executive Order 13112 (Invasive Species);
 - Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments); and
 - Executive Order 13186 (Migratory Birds)
- the Healthy Forest Restoration Act of 2003 (USC 2003); and
- the National Fire Plan (USFS 2000).

Additional Planning Guidance for the BLM:

- the Code of Federal Regulations (43 CFR 1600);
- the Land Use Planning Handbook (BLM 2005a);
- the BLM National Management Strategy for Motorized Off-Highway Vehicle (OHV) Use on Public Lands (BLM 2001b);
- Manual H-8410-1, BLM Visual Resources Inventory, Section V, Visual Resources Classes and Objectives (BLM 2003b);
- 43 CFR 2400, Lands for Retention, Proposed Disposal, or Acquisition;
- Sections 205, Acquisitions, and Section 206, Exchanges, of the FLPMA;
- 43 CFR 2300, Land Management Guidelines Regarding Withdrawal Areas;
- 43 CFR 2740, 2912, 2911, and 2920, Land Use Authorizations; and
- the BLM Instruction Memoranda (IM), including, but not limited to:
 - o Washington Office IM-2002-034, Fire Management Planning (BLM 2002a);
 - o Washington Office IM-2002-196, Additional Guidance on Right-of-Way Management in Land Use Planning (BLM 2002b);
 - o Washington Office IM-2005-024, National Sage-Grouse Habitat Conservation Strategy (BLM 2005e); and
 - o Washington Office IM-2006-073, Weed-Free Seed Use and Lands Administered by the Bureau of Land Management (BLM 2006b).

Additional Oil and Gas Leasing Guidance for the USFS:

36 CFR 228, Regulations governing minerals resources on National Forest System Lands. Section 228.102 is specific to leasing analyses and decisions for oil and gas resources.